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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,033	12/21/2000	Nobuhiro Kurata	2309/01095	9174

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EXAMINER

SALVATORE, LYNDIA

ART UNIT	PAPER NUMBER
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1771

3

DATE MAILED: 10/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/746,033

Applicant(s)

KURATA ET AL.

Examiner

Lynda M Salvatore

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.                      6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christon et al., PCT Application WO 97/18784 in view of Gross et al., US 6,403,857.

The PCT application to Christon et al., discloses a flushable and dispersible absorbent article comprising a top sheet, a back sheet and absorbent core positioned between said top sheet and back sheet (Abstract). Christon et al., discloses that the absorbent core may include creped cellulose, wadding, cellulosic fibers, or tissue laminates as well as superabsorbent polymers, gelling materials or combinations of materials. The absorbent core may also comprise varying gradients and liquid acquisition zones as well as including one or more layers of materials (Page 7, lines 3-17).

Christon et al., fails to disclose the claimed orientation of the absorbent, however, the patent issued to Gross discloses a super absorbent layer adhered to the lower surface of a fibrous structure (Figure 1a and Abstract). The super absorbent layer comprises super absorbent polymer particles and a water-soluble or water dispersible polymeric binder (Column 3, lines 39-41). The super absorbent polymer particles may be prepared from cross-linking suitable water soluble polymers (Column 4, lines 7-13). Gross further discloses a distribution layer positioned over the surface of the fibrous layer as shown in figure 1b.

Art Unit: 1771

Therefore, motivated to provide a flushable personal care article having a layered absorbent core comprising a super absorbent polymer layer it would have been obvious at the time the invention was made to arrange the layers of the absorbent core in the manner taught by Gross in the water dispersible article of Christon et al.

3. Claims 1-3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christon et al., PCT Application WO 97/18784 in view of Chmielewski et al., US 6,403,857.

The PCT application to Christon et al., discloses a flushable and dispersible absorbent article comprising a top sheet, a back sheet and absorbent core positioned between said top sheet and back sheet (Abstract). Christon et al., discloses that the absorbent core may include creped cellulose, wadding, cellulosic fibers, or tissue laminates as well as superabsorbent polymers, gelling materials or combinations of materials. The absorbent core may also comprise varying gradients and liquid acquisition zones as well as including one or more layers of materials (Page 7, lines 3-17).

Christon et al., fails to teach an absorbent core comprising two or more composite layers, however the patent issued to Chmielewski discloses a disposable garment comprising more than one absorbent core laminate having three layers, including an upper and lower layer consisting of a fibrous non-woven and a core layer consisting of a water swellable super absorbent polymer (Abstract). Chmielewski discloses super absorbent material as generally water insoluble, but water swellable and usually comes in the form of granules, beads, fibers, or films (Column 1 lines 20-25 and lines 27-35).

Therefore, motivated to provide a flushable personal care article having more than one absorbent composite sheet it would have been obvious at the time the invention was made to

Art Unit: 1771

form one or more absorbent composite sheets such as the one taught by Chmielewski from the absorbent core materials taught by Christon et al.

4. Claims 4-6, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christon et al., PCT Application WO 97/18784 in view of Chmielewski et al., US 6,403,857 as applied to claims 1 and 8 above, and further in view of Wang et al., US 2002/0065363 A1.

Christon et al., and Chmielewski et al., fail to the claimed polyvinyl alcohol, however, water soluble or swellable polyvinyl alcohols are known in the art. For example, the patent issued to Wang et al., discloses a cold water soluble polyvinyl alcohol polymer composition which may be formed into fibers or films (Abstract and Section 0053). Wang et al., teaches that the polymer compositions are useful as components in flushable personal care articles such as baffle film for feminine care articles (Section 0030).

Therefore, motivated by the desire to have an absorbent composite sheet comprising a water soluble or swellable polyvinyl alcohol film it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the polyvinyl alcohol film taught by Wang et al., as the super absorbent polymer layer taught by Chmielewski et al.

With regard to claim 5 Wang et al., does not disclose the basis weight of the polyvinyl alcohol, however, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form a film having the claimed basis weight limitation since Wang et al., teaches using the film in disposable personal care articles. It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233


Art Unit: 1771


*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 703-305-4070. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

ls   
September 30, 2002

  
CHERYL A. JUSKA  
PRIMARY EXAMINER